



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 21, 1997

Mr. Charles J. Breaux, Jr.
Legal Administrative Assistant
to the Sheriff
Jefferson County Sheriff
P.O. Box 2950
Beaumont, Texas 77704

OR97-2551

Dear Mr. Breaux:

You ask whether certain information is subject to required public disclosure under the Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 110837.

The Jefferson County Sheriff (the "Sheriff") received a request for four items of information. You state that in response to request items 2, 3 and 4, the Sheriff is sending the requestor copies of available records. As for the first requested item, "[a]ll information contained in the file(s) of case no. B95-38551, limited to the period of time between July 1, 1995 to September 15, 1997,"¹ you assert that information you submitted to this office labeled as exhibit A is excepted from disclosure under sections 552.101 and 552.108 of the Government Code.

Section 552.108 of the Government Code to reads in pertinent part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime.

...

¹The Sheriff received a second request for the first requested item on October 7, 1997.

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

You inform us that the investigation resulted in a conviction. We have been informed that the defendant was sentenced on October 3, 1997. You advise us that the defendant has filed a notice of appeal. We therefore find that release of the requested information would interfere with the prosecution. Section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c); *see Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Accordingly, with the exception of such basic information, the Sheriff may withhold the requested information from the requestor based on section 552.108(a)(1).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings
Assistant Attorney General
Open Records Division

KHH/rho

Ref.: ID# 110837

Enclosures: Submitted documents

cc: Mr. Allen P. Soape, Jr.
P.O. Box 1054
Huntington, Texas 75949
(w/o enclosures)